

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**  
**Plaintiff**

**vs.**

**Timothy P O'Brien**  
**Defendant(s)**

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**Criminal No. 4:21-cr-00104-GAF-1**

**ORDER OF REFERENCE TO UNITED  
STATES MAGISTRATE JUDGE**

The Indictment filed in the above-styled case was filed in the Western District of Missouri on the 5th day of May , 2021 and assigned to the undersigned United States District Judge.

Pursuant to Section 636(b), Title 28, United States Code, and Rule 72.1 of the Local Rules for the United States District Court for the Western District of Missouri, it is

ORDERED that United States Magistrate Judge Lajuana M. Counts is designated to hear and determine all pretrial motions or matters now pending or later filed, except (1) a motion to dismiss or quash the indictment, and (2) a motion to suppress evidence, in accordance with the provisions of Section 636(b)(1)(A), Title 28, United States Code; and such pretrial motions or matters now pending or later filed in this criminal action are referred to the Magistrate Judge to hear and determine.

Any party may appeal from the Magistrate Judge's order determining a motion within fourteen (14) days after issuance of the order unless a different time is prescribed by the Magistrate Judge or the undersigned District Judge. Such party shall file with the Clerk

of Court, and serve the Magistrate Judge and all parties, a written statement of the appeal which shall specifically designate the order, or part thereof, appealed from and the basis for the appeal. The undersigned District Judge will consider the appeal and set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law. The undersigned District Judge may reconsider sua sponte any motion determined by the Magistrate Judge. It is further

ORDERED that United States Magistrate Judge Lajuana M. Counts is designated to hear and process all pretrial motions to (1) dismiss or quash the indictment, and (2) suppress evidence, now pending or later filed in accordance with the provisions of Section 636(b)(1)(B) and (b)(1)(C), Title 28, United States Code; and all such pretrial motions now pending or later filed are referred to the Magistrate Judge to hear and process. Any party may object to the Magistrate Judge's proposed finding and recommendations in respect to (1) a motion to dismiss or quash the indictment, or (2) a motion to suppress evidence, within fourteen (14) days after being served with a copy of the proposed findings and recommendations. Such party shall file with the Clerk of Court, and serve the Magistrate Judge and all parties, written objections which shall specifically identify the portion or portions of the proposed findings and recommendations to which an objection is made and the basis for each objection.

The undersigned District Judge will make a de novo determination of those portions of the proposed findings and recommendations to which specific objections is made and may accept, reject or modify, in whole or in part, the proposed findings or recommendations made by the Magistrate Judge. The undersigned District Judge need not conduct a new hearing and may consider only the record developed before the Magistrate Judge in making his de novo

determination. The undersigned District Judge may receive further evidence, recall witnesses, or recommit the motion to the Magistrate Judge with instructions. It is further

ORDERED that the Magistrate Judge may, in his/her discretion, reassign any motions referred to him/her pursuant to this order, to another Magistrate Judge for processing and handling. In the event of such a reassignment, the Magistrate Judge to whom the motion is reassigned is designated to hear and determine or hear and process the motion in accordance with the provisions of this order. It is further

ORDERED with the consent of the parties, if directed by the undersigned District Judge, the Magistrate Judge may conduct guilty plea proceedings and make a recommendation to the District Judge.

s/ Gary A. Fenner  
United States District Judge

Kansas City, Missouri

Dated: 5/19/2021